

## **EXHIBIT A**

LAW OFFICES OF  
**ANDREW L. PACKARD**

245 KENTUCKY STREET, SUITE B3, PETALUMA, CA 94952  
PHONE (707) 782-4060 FAX (707) 782-4062  
INFO@PACKARDLAWOFFICES.COM

January 26, 2022

**VIA CERTIFIED MAIL**

Paul DenBeste  
DenBeste Yard & Garden, Inc.  
30357 River Road  
Cloverdale, CA 95425

Melody DenBeste  
DenBeste Yard & Garden, Inc.  
26916 Asti Road  
Cloverdale, CA 95425

Patrick Bulmer  
California Receivership Services  
P.O. Box 5128  
Oroville, CA 95966

Paul DenBeste  
DenBeste Yard & Garden, Inc.  
P.O. Box 186  
Cloverdale, CA 95425

**Re: NOTICE OF VIOLATIONS AND INTENT TO FILE SUIT UNDER THE  
FEDERAL WATER POLLUTION CONTROL ACT (“CLEAN WATER ACT”)  
(33 U.S.C. §§ 1251 *et seq.*)**

Dear Paul and Melody DenBeste, and Patrick Bulmer:

California Sportfishing Protection (“CSPA”) provides this notice of violations of the Clean Water Act (“the Act”) occurring at DenBeste’s Cloverdale facility located at 26916 and 26912 Asti Road, in Cloverdale, California (the “Facility”). This letter is being sent to you as the responsible owners, officers and/or operators of the Facility. Unless otherwise noted, DenBeste Yard & Garden, Inc., Paul DenBeste, Melody DenBeste, and Patrick Bulmer shall hereinafter be collectively referred to as “DenBeste.” CSPA is a non-profit association dedicated to the preservation, protection and defense of the environment, wildlife and natural resources of California waters, including the waters into which DenBeste discharges polluted storm water.

Pursuant to Section 309(d) of the Act (33 U.S.C. § 1319(d)) and the Adjustment of Civil Monetary Penalties for Inflation (40 C.F.R. § 19.4) each separate violation of the Act subjects DenBeste to a penalty of up to \$59,973 per day per violation for all violations occurring between January 26, 2017 and the present. In addition to civil penalties, CSPA will seek injunctive relief preventing further violations of the Act pursuant to Sections 505(a) and (d) (33 U.S.C. § 1365(a) and (d)) and such other relief as permitted by law. Lastly, Section 505(d) of the Act (33 U.S.C. § 1365(d)) permits prevailing parties to recover costs and fees, including attorneys’ fees.

The Clean Water Act requires that sixty (60) days prior to the initiation of a citizen-enforcement action under Section 505(a) of the Act (33 U.S.C. § 1365(a)), a citizen enforcer must give notice of its intent to file suit. Notice must be given to the alleged violator, the U.S. Environmental Protection Agency, and the Chief Administrative Officer of the water pollution control agency for the State in which the violations occur. *See* 40 C.F.R. § 135.2. As required by the Act, this letter provides statutory notice of the violations that have occurred, and continue to

## Notice of Violation and Intent To File Suit

January 26, 2022

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occur, at the Facility. 40 C.F.R. § 135.3(a). At the expiration of sixty (60) days from the date of this letter, CSPA intends to file suit under Section 505(a) of the Act in federal court against DenBeste for violations of the Clean Water Act and the Permit.

## **I. Background.**

### **A. The Clean Water Act.**

Congress enacted the CWA in 1972 in order to “restore and maintain the chemical, physical, and biological integrity of the Nation’s waters.” 33 U.S.C. § 1251. The Act prohibits the discharge of pollutants into United States waters except as authorized by the statute. 33 U.S.C. § 1311; *San Francisco BayKeeper, Inc. v. Tosco Corp.*, 309 F.3d 1153, 1156 (9th Cir. 2002). The Act is administered largely through the NPDES permit program. 33 U.S.C. § 1342. In 1987, the Act was amended to establish a framework for regulating storm water discharges through the NPDES system. Water Quality Act of 1987, Pub. L. 100-4, § 405, 101 Stat. 7, 69 (1987) (codified at 33 U.S.C. § 1342(p)); *see also Env’tl. Def. Ctr., Inc. v. EPA*, 344 F.3d 832, 840-41 (9th Cir. 2003) (describing the problem of storm water runoff and summarizing the Clean Water Act’s permitting scheme). The discharge of pollutants without an NPDES permit, or in violation of a permit, is illegal. *Ecological Rights Found. v. Pacific Lumber Co.*, 230 F.3d 1141, 1145 (9th Cir. 2000).

Much of the responsibility for administering the NPDES permitting system has been delegated to the states. *See* 33 U.S.C. § 1342(b); *see also* Cal. Water Code § 13370 (expressing California’s intent to implement its own NPDES permit program). The CWA authorizes states with approved NPDES permit programs to regulate industrial storm water discharges through individual permits issued to dischargers and/or through the issuance of a single, statewide general permit applicable to all industrial storm water dischargers. 33 U.S.C. § 1342(b). Pursuant to Section 402 of the Act, the Administrator of EPA has authorized California’s State Board to issue individual and general NPDES permits in California. 33 U.S.C. § 1342.

### **B. California’s General Permit for Storm Water Discharges Associated with Industrial Activities**

On July 1, 2015, pursuant to Order No. 2015-0057-DWQ the General Permit was reissued, including many of the same fundamental terms as the prior permit. Facilities discharging, or having the potential to discharge, storm water associated with industrial activities that have not obtained an individual NPDES permit must apply for coverage under the General Permit by filing a Notice of Intent to Comply (“NOI”). General Permit, Standard Condition XXI.A. Facilities must file their NOIs before the initiation of industrial operations. *Id.* Facilities must strictly comply with all of the terms and conditions of the General Permit. A violation of the General Permit is a violation of the CWA.

### **C. DenBeste’s Cloverdale Facility**

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DenBeste is a yard and garden supply company that operates a yard in Sonoma County where it conducts various industrial activities, including fertilizer mixing. The industrial activities at the Facility fall under Standard Industrial Classification (“SIC”) Code 2875 (Fertilizers, Mixing Only).

DenBeste collects and discharges storm water associated with industrial activities at the Facility into the Russian River, which ultimately flows into the Pacific Ocean. The Russian River and the Pacific Ocean are waters of the United States within the meaning of the Clean Water Act.

On September 17, 2020, the North Coast Regional Water Quality Control Board (“Regional Board”) issued DenBeste a “Notice of Non-Compliance with the General Permit for Storm Water Discharges Associated with Industrial Activities, Order Number 2014-0057-DWQ, NPDES Permit Number CAS000001” (“1st NNC”), a copy of which is attached to this letter as **Attachment A**. The 1st NNC explained that the Federal Clean Water Act prohibits certain discharges of storm water containing pollutants except where such discharges occur in compliance with a National Pollutant Discharge Elimination System (“NPDES”) permit. The 1st NNC letter informed DenBeste that its Facility requires permit coverage under the California Industrial General Permit, Order No. 2014-0057-DWQ, NPDES Permit No. CAS000001 (“General Permit”). DenBeste was provided notice on October 30, 2015 and December 11, 2015 that it was required to enroll for General Permit coverage. In response, DenBeste submitted a Notice of Intent application (No. 474937) on July 6, 2016; however, the application was incomplete and the Regional Board returned the application with instructions as to how to complete it. As of September 17, 2020, no new application had been submitted.

On September 24, 2020, Paul DenBeste responded to the Regional Board with a letter (attached to this letter as **Attachment B**) stating that pursuant to court order in case number 4:16-cv-03914-KAW, filed in the Northern District of California, “all purported claims in your attached September 17, 2020 letter against Den Beste Yard and Garden Inc., and or against Paul Den Beste, and or against Melody Den Beste, are the court ordered responsibility of, and therefore must be directed to, Patrick Bulmer, California Receivership Services, P.O. Box 5128, Oroville, CA 95966.” However, the court in the referenced case never made any order to that effect. The case was apparently dismissed without prejudice and DenBeste remained out of compliance with the Act insofar as the Facility remained unpermitted.

The Regional Board subsequently informed DenBeste, by email dated October 1, 2020 – attached to this letter as **Attachment C**, that the Secretary of State indicates that Paul and Melody DenBeste are the responsible corporate owners and/or officers of the Facility. To the extent that Mr. Bulmer has operational control over the Facility, he is also a responsible corporate officer and is likewise liable for violations of the General Permit and Act.

On October 28, 2020, the Regional Board issued a second notice of non-compliance (“2nd NNC”), a copy of which is attached to this letter as **Attachment D**. The 2nd NNC reiterates DenBeste’s obligation to obtain permit coverage under the General Permit, and provides DenBeste with notice of their noncompliance with the Clean Water Act. The 2nd NNC

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included Mr. Bulmer as a recipient, in response to Mr. DenBeste's September 24th letter. However, as stated above, each of the recipients of the 2nd NNC is a responsible officer or owner of the Facility and is therefore responsible for its compliance with the Clean Water Act.

## **II. DenBeste's Violations of the Act and Permit.**

Based on its review of available public documents, CSPA is informed and believes that DenBeste is in ongoing violation of the CWA and the General Permit. These violations are ongoing and continuous. Consistent with the statute of limitations applicable to citizen enforcement actions brought pursuant to the federal Clean Water Act, DenBeste is subject to penalties for violations of the Act since January 26, 2017.

### **A. DenBeste Discharges Storm Water Associated with Industrial Activity Without a NPDES Permit.**

DenBeste owns and/or operates an industrial facility conducting fertilizer mixing activities. Facilities that conduct fertilizer mixing activities are required to obtain General Permit coverage. 40 C.F.R. §§ 122.26(a)(1), 122.26(a)(9)(i); General Permit, Section I.A.9 and Attachment A. DenBeste is therefore required to obtain General Permit coverage for the Facility. The Stormwater Multiple Application & Report Track System ("SMARTS") website indicates that DenBeste was covered under the 1997 General Permit, but failed to comply with the requirements to obtain coverage under the 2015 General Permit. Section II.B.4.a of the General Permit states that "[e]xisting Dischargers with coverage under the previous permit shall continue coverage under the previous permit until July 1, 2015." Based on the information available to CSPA on the SMARTS website, DenBeste's General Permit coverage was administratively terminated on or about February 25, 2016, and DenBeste has been operating its Facility without a General Permit since that date. Each and every day DenBeste operates its Facility without General Permit coverage is a separate and distinct violation of the Clean Water Act.

## **III. Persons Responsible for the Violations.**

CSPA puts DenBeste on notice that they are the persons and entities responsible for the violations described above. If additional persons are subsequently identified as also being responsible for the violations set forth above, CSPA puts DenBeste on formal notice that it intends to include those persons in this action.

## **IV. Name and Address of Noticing Parties.**

The name, address and telephone number of each of the noticing parties is as follows:

William Jennings, Executive Director  
California Sportfishing Protection Alliance  
3536 Rainer Avenue  
Stockton, CA 95204

Notice of Violation and Intent To File Suit

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(209) 464-5067

**V. Counsel.**

CATs has retained legal counsel to represent it in this matter. Please direct all communications to:

Andrew L. Packard  
William N. Carlon  
Law Offices of Andrew L. Packard  
245 Kentucky Street, Suite B3  
Petaluma, CA 94952  
(707) 782-4060  
andrew@packardlawoffices.com  
wncarlon@packardlawoffices.com

**VI. Conclusion**

CSPA believes this Notice of Violations and Intent to File Suit sufficiently states grounds for filing suit. We intend to file a citizen suit under Section 505(a) of the CWA against DenBeste and their agents for the above-referenced violations upon the expiration of the 60-day notice period. If you wish to pursue remedies in the absence of litigation, we suggest that you initiate those discussions within the next 20 days so that they may be completed before the end of the 60-day notice period. We do not intend to delay the filing of a complaint in federal court if discussions are continuing when that period ends.

Sincerely,



---

William Carlon

Law Offices of Andrew L. Packard  
Counsel for California Sportfishing Protection Alliance

Notice of Violation and Intent To File Suit

January 26, 2022

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**SERVICE LIST**

**VIA CERTIFIED MAIL**

Michael Regan, Administrator  
U.S. Environmental Protection Agency  
1200 Pennsylvania Ave., N.W.  
Washington, D.C. 20460

Martha Guzman, Regional Administrator  
U.S. Environmental Protection Agency, Region IX  
75 Hawthorne Street  
San Francisco, CA 94105

Merrick B. Garland, U.S. Attorney General  
U.S. Department of Justice  
950 Pennsylvania Avenue, N.W.  
Washington, DC 20530-0001

Eileen Sobeck, Executive Director  
State Water Resources Control Board  
P.O. Box 100  
Sacramento, CA 95812

Matthias St. John, Executive Officer  
North Coast Regional Water Quality Control Board  
5550 Skylane Boulevard Suite A  
Santa Rosa, CA 95403

## **ATTACHMENT A**



GAVIN NEWSOM  
GOVERNORJARED BLUMENFELD  
SECRETARY FOR  
ENVIRONMENTAL PROTECTION

## North Coast Regional Water Quality Control Board

September 17, 2020

Paul DenBeste  
DenBeste Yard & Garden  
26912 & 26916 Asti Road  
Cloverdale, CA 95425

Certified Mail 7016 2710 0000 2653 2749

Dear Mr. DenBeste:

**Subject: NOTICE OF NON-COMPLIANCE WITH THE GENERAL PERMIT FOR STORM WATER DISCHARGES ASSOCIATED WITH INDUSTRIAL ACTIVITIES, ORDER NUMBER 2014-0057-DWQ, NPDES PERMIT NUMBER CAS000001**

The Federal Clean Water Act (Clean Water Act) prohibits certain discharges of storm water containing pollutants except where such discharges occur in compliance with a National Pollutant Discharge Elimination System (NPDES) permit. In the state of California, Order No. 2014-0057-DWQ, NPDES Permit No. CAS000001 (Industrial General Permit, or IGP), implements parts of the Clean Water Act by authorizing discharges associated with industrial activity subject to certain conditions and limitations. The Industrial General Permit is available at the web site address provided below:

[http://www.waterboards.ca.gov/water\\_issues/programs/stormwater/industrial.shtml](http://www.waterboards.ca.gov/water_issues/programs/stormwater/industrial.shtml)

It has come to our attention that the DenBeste Yard & Garden facility located at 26916 Asti Road in the City of Cloverdale engages in fertilizer mixing, an activity requiring IGP coverage.

According to SMARTS, on October 30, 2015, and December 11, 2015, staff notified you of the need to enroll for the new IGP coverage. In response, the discharger submitted a new Notice of Intent (NOI) application No. 474937 in July 6, 2016. Since the NOI application was incomplete and the uploaded SWPPP did not meet the requirements, the application was returned on July 12, 2016. On the returned application Regional Water Board requested the discharger to resubmit the NOI application and upload a SWPPP that meets the Permit requirements. To date, no application has been submitted from the discharger.

VALERIE L. QUINTO, CHAIR | MATTHIAS ST. JOHN, EXECUTIVE OFFICER

5550 Skylane Blvd., Suite A, Santa Rosa, CA 95403 | [www.waterboards.ca.gov/northcoast](http://www.waterboards.ca.gov/northcoast)

On January 24, 2020, North Coast Regional Water Board staff (Staff) attempted to inspect your facility but discovered it was closed. From outside the chain-link gate on the south side of the facility, Staff observed evidence of fertilizer mixing, including trucks, a conveyor belt, and stockpiles of compost, aggregate, and rock throughout the facility.

Establishments engaged in mixing fertilizers fall under Occupational Safety and Health Administration (OSHA) Standard Industrial Classification (SIC) Code 2875, a category identified in Attachment A of the IGP as requiring IGP coverage. According to available information in the Water Board's electronic database, the Storm Water Multiple Application & Tracking System (SMARTS), your facility was enrolled for coverage under the IGP prior to 2015, but coverage was not renewed under the newest version of the IGP, adopted in 2014. Accordingly, DenBeste Yard & Garden is in violation of the General Permit.

This letter is to notify you that the subject facility requires coverage under the IGP. The IGP provides for two types of coverage that are differentiated by whether a facility has exposure of certain industrial materials, products, wastes, or processes to storm water.

The two types of coverage are as follows:

1. Notice of Intent (NOI coverage): This coverage is for dischargers that discharge storm water associated with industrial activity to waters of the United States. All applicable requirements of the General Permit must be met. To obtain NOI coverage, the following documents must be submitted:

- a. A completed NOI and signed certification statement (Section II.B.1)
- b. A copy of a current Site Map from the Storm Water Pollution Prevention Plan (SWPPP) (Section X.E);
- c. A SWPPP (Section X); and
- d. An application fee of \$1,400 (thereafter as an annual permit fee).

2. No Exposure Certification (NEC Coverage): Dischargers that certify their facility has no exposure of industrial activities or materials to storm water in accordance with Section XVII of the General Permit may qualify for NEC coverage and are not required to comply with the SWPPP or monitoring requirements of this General Permit. To obtain NEC coverage, the following documents must be submitted:

- a. A completed NEC Form (Section XVII.F.1) and signed certification statement (Section XVII.H);
- b. A completed NEC Checklist (Section XVII.F.2);
- c. A current Site Map consistent with requirements in Section X.E.; and
- d. A payment of an annual fee of \$150 (thereafter as an annual permit fee).

You must file a completed, signed/certified NOI or NEC to obtain coverage for your facility. To apply for either type of permit coverage, all documents must be submitted via the online database, SMARTS (webpage at <https://smarts.waterboards.ca.gov>). If you need assistance with SMARTS or completing the NOI, please contact the SMARTS

DenBeste Yard &amp; Garden

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September 17, 2020

Help Desk at (866) 563-3107. Based on this facility's past IGP enrollment and recent observations made by staff, it appears that NOI coverage is the appropriate type of coverage in this case. If you believe that the IGP is not applicable to your facility, you are still required to submit a Notice of Non-Applicability (NONA) by following the instructions in section XX of the IGP.

Please note, failure to obtain coverage under the Industrial General Permit by submitting an appropriate NOI or NEC is a violation of the Clean Water Act and the California Water Code. Pursuant to section 13399.30 of the Water Code, you must obtain IGP coverage within 60 days from the date of this Notice, by November 17, 2020 to avoid penalties. Failure to obtain coverage by this date may subject you to an enforcement action by the Regional Water Board and administrative civil liability of \$5,000 per year of noncompliance, per section 13399.33 of the Water Code. Failure to submit a Notice of Non-Applicability subjects you to administrative civil liability penalties of \$1,000.

Please notify Heaven Moore at [Heaven.Moore@waterboards.ca.gov](mailto:Heaven.Moore@waterboards.ca.gov) when the State Water Resources Control Board has issued a Waste Discharge Identification (WDID) number to you, which will be electronically provided once all necessary steps have been completed through SMARTS.

Compliance with this requirement to file for enrollment in the IGP does not preclude enforcement for other violations of the Water Code and/or the Clean Water Act.

Should you have any questions regarding this matter, please contact Farzad Kasmaei of my staff at [Farzad.Kasmaei@waterboards.ca.gov](mailto:Farzad.Kasmaei@waterboards.ca.gov).

Sincerely,

Claudia E. Villacorta, P.E.  
Assistant Executive Officer

200917\_FK\_dp\_Cloverdale\_DenBeste\_NNC

cc: Charles Reed, North Coast RWQCB, [Charles.Reed@waterboards.ca.gov](mailto:Charles.Reed@waterboards.ca.gov)  
Heaven Moore, North Coast RWQCB, [Heaven.Moore@waterboards.ca.gov](mailto:Heaven.Moore@waterboards.ca.gov)  
Diana Henriouille, North Coast RWQCB, [Diana.Henriouille@waterboards.ca.gov](mailto:Diana.Henriouille@waterboards.ca.gov)  
Farzad Kasmaei, North Coast RWQCB, [Farzad.Kasmaei@waterboards.ca.gov](mailto:Farzad.Kasmaei@waterboards.ca.gov)

## **ATTACHMENT B**

Paul Den Beste  
P. O. Box 186  
Cloverdale, CA 95425  
Phone: (707) 975 5901  
E Mail: [pauldenbeste@hotmail.com](mailto:pauldenbeste@hotmail.com)

September 24, 2020

North Coast Regional Water  
Quality Control Board  
Valerie Quinto, Chair  
Mathias St. John, Executive Officer  
Claudia E. Villacorta, P. E.  
Assistant Executive Officer  
Charles Reed, North Coast RWQCB,  
[Charles.Reed@waterboards.ca.gov](mailto:Charles.Reed@waterboards.ca.gov),  
Heaven Moore, North Coast RWQCB  
[Heaven.Moore@waterboards.ca.gov](mailto:Heaven.Moore@waterboards.ca.gov),  
Diana Henriouille, North Coast RWQCB,  
[Diana.Henriouille@waterboards.ca.gov](mailto:Diana.Henriouille@waterboards.ca.gov),  
Farzad Kasmaei, North Coast RWQCB  
[Farzad.Kasmaei@waterboards.ca.gov](mailto:Farzad.Kasmaei@waterboards.ca.gov),  
5550 Skylane Boulevard, Suite A  
Santa Rosa, CA 95403

Re: Your attached September 17, 2020 letter.

To all:

Pursuant to United States District Court, Northern District of California, Oakland Division, Case 4:16-cv-03914KAW, resolved on October 23, 2017, all purported claims in your attached September 17, 2020 letter against Den Beste Yard and Garden, Inc., and or against Paul Den Beste, and or against Melody Den Beste, are the court ordered responsibility of, and therefore must be directed to, Patrick Bulmer, California Receivership Services, P. O. Box 5128, Oroville, CA 95966.

/s/  
\_\_\_\_\_  
Paul Den Beste

## **ATTACHMENT C**

**From:** [Kasmaei, Farzad@Waterboards](mailto:Kasmaei, Farzad@Waterboards)  
**To:** ["pauldenbeste@hotmail.com"](mailto:pauldenbeste@hotmail.com)  
**Subject:** DenBeste Yard & Garden (non-filer) facility  
**Date:** Thursday, October 1, 2020 8:52:00 AM  
**Attachments:** [September 24, 2020 letter.pdf](#)

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Dear Paul Den Beste,

Thanks for responding to our letter regarding the Facility located at 26912 & 26916 Asti Road in the City of Cloverdale.

Per our phone conversation, based on the Secretary of State database you and Ms. Melody Den Beste are listed as the responsible persons (owners) for this Facility.

Please provide me with more information about the facility's ownership and the operator who currently runs the facility.

Farzad Kasmaei  
Water Quality Control Engineer  
North Coast Regional Water Quality Control Board  
5550 Skylane Blvd., Suite A  
Santa Rosa, CA 95403

## **ATTACHMENT D**





GAVIN NEWSOM  
GOVERNOR



JARED BLUMENFELD  
SECRETARY FOR  
ENVIRONMENTAL PROTECTION

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## North Coast Regional Water Quality Control Board

October 28, 2020

Paul DenBeste  
DenBeste Yard & Garden  
26912 & 26916 Asti Road  
Cloverdale, CA 95425

Certified Mail 7016 2710 0000 2653 2879

Patrick Bulmer  
California Receivership Services  
P.O Box 5128  
Oroville, CA 95966

Certified Mail 7016 2710 0000 2653 2886

Dear Mr. DenBeste and Mr. Bulmer:

Subject: **SECOND NOTICE OF NON-COMPLIANCE WITH THE GENERAL PERMIT  
FOR STORM WATER DISCHARGES ASSOCIATED WITH INDUSTRIAL  
ACTIVITIES, ORDER NUMBER 2014-0057-DWQ  
NPDES PERMIT NUMBER CAS000001**

The Federal Clean Water Act (Clean Water Act) prohibits certain discharges of storm water containing pollutants except where such discharges occur in compliance with a National Pollutant Discharge Elimination System (NPDES) permit. In the state of California, Order No. 2014-0057-DWQ, NPDES Permit No. CAS000001 (Industrial General Permit, or IGP), implements parts of the Clean Water Act by authorizing discharges associated with industrial activity subject to certain conditions and limitations. The Industrial General Permit is available at the web site address provided below:

[http://www.waterboards.ca.gov/water\\_issues/programs/stormwater/industrial.shtml](http://www.waterboards.ca.gov/water_issues/programs/stormwater/industrial.shtml)

It has come to our attention that the DenBeste Yard & Garden facility located at 26916 Asti Road in the City of Cloverdale engages in fertilizer mixing, an activity requiring IGP coverage. Establishments engaged in mixing fertilizers fall under Standard Industrial

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VALERIE L. QUINTO, CHAIR | MATTHIAS ST. JOHN, EXECUTIVE OFFICER

5550 Skylane Blvd., Suite A, Santa Rosa, CA 95403 | [www.waterboards.ca.gov/northcoast](http://www.waterboards.ca.gov/northcoast)

Classification (SIC) Code 2875, a category identified in Attachment A of the IGP as requiring IGP coverage. According to available information in the Water Board's electronic database, the Storm Water Multiple Application & Tracking System (SMARTS), your facility was enrolled for coverage under the IGP before 2015, but you did not review permit coverage under the newest version of the IGP, adopted in 2014. Accordingly, DenBeste Yard & Garden is in violation of the General Permit.

As recorded in SMARTS, on October 30, 2015, and December 11, 2015, Regional Water Board staff notified DenBeste of the need to enroll for IGP coverage. In response, the discharger submitted a new Notice of Intent (NOI) application No. 474937 on July 6, 2016. The NOI application was incomplete and the uploaded Storm Water Pollution Prevention Plan (SWPPP) did not meet the requirements; accordingly, Regional Water Board staff returned the application on July 12, 2016.

On the returned application Regional Water Board staff requested the discharger to resubmit the NOI application and upload a SWPPP that meets the Permit requirements. To date, no application has been submitted from the discharger.

The first Notice of Non-Compliance (NNC) was issued on September 17, 2020. In response, you submitted the enclosed letter to Regional Water Board via email on September 24, 2020, stating that all purported claims in the Regional Water Board's first NNC must be directed to Patrick Bulmer. The Regional Water Board staff emailed Mr. Paul DenBeste on October 1 & 2, 2020, requesting more information about the facility's status and ownership and Mr. Patrick Bulmer's role with the facility.

As of the date of this notice, we have received no response from you, and you have not obtained IGP coverage for this facility. Failure to enroll your facility in the IGP is a violation of the California Water Code (Water Code) and the Federal Clean Water Act. **You must submit your enrollment documents by November 17, 2020, to avoid penalties or other enforcement actions.**

Please notify Heaven Moore at [Heaven.Moore@waterboards.ca.gov](mailto:Heaven.Moore@waterboards.ca.gov) when the State Water Resources Control Board has issued a Waste Discharge Identification (WDID) number to you, which will be electronically provided once all necessary steps have been completed through SMARTS.

Compliance with this requirement to file for enrollment in the IGP does not preclude enforcement for other violations of the Water Code and/or the Clean Water Act.

DenBeste Yard & Garden

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October 28, 2020

Should you have any questions regarding this matter, please contact Farzad Kasmaei of my staff at [Farzad.Kasmaei@waterboards.ca.gov](mailto:Farzad.Kasmaei@waterboards.ca.gov).

Sincerely,

Claudia E. Villacorta, P.E.  
Assistant Executive Officer

201028\_FK\_dp\_Cloverdale\_DenBeste\_NNC2

cc: Charles Reed, North Coast RWQCB, [Charles.Reed@waterboards.ca.gov](mailto:Charles.Reed@waterboards.ca.gov)

Heaven Moore, North Coast RWQCB, [Heaven.Moore@waterboards.ca.gov](mailto:Heaven.Moore@waterboards.ca.gov)

Diana Henrioulle, North Coast RWQCB, [Diana.Henrioulle@waterboards.ca.gov](mailto:Diana.Henrioulle@waterboards.ca.gov)

Farzad Kasmaei, North Coast RWQCB, [Farzad.Kasmaei@waterboards.ca.gov](mailto:Farzad.Kasmaei@waterboards.ca.gov)

Nathan Jacobsen, [Nathan.Jacobsen@waterboards.ca.gov](mailto:Nathan.Jacobsen@waterboards.ca.gov)